

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 DAVID S. CHANEY  
Chief Assistant Attorney General  
3 FRANCES T. GRUNDER  
Senior Assistant Attorney General  
4 MICHAEL W. JORGENSEN  
Supervising Deputy Attorney General  
5 JENNIFER J. NYGAARD, State Bar No. 229494  
Deputy Attorney General  
6 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
7 Telephone: (415) 703-5577  
Fax: (415) 703-5843  
8 Email: Jennifer.Nygaard@doj.ca.gov

9 Attorneys for Defendants Kirkland, Winslow, Bree,  
Hartman, Korsmeyer, and Woodford

10  
11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 **FREDERICK WAYNE SMITH,**

16 Plaintiff,

17 v.

18 **JEANNE WOODFORD, et al.,**

19 Defendants.

C 06-00103 JF (PR)

**STIPULATED PROTECTIVE  
ORDER TO STAY  
DISCOVERY**

20  
21 Subject to the approval of this Court, the parties stipulate to the following protective order:

22 1. All discovery is stayed until the Court issues an order opening discovery or rules on  
23 Defendants Kirkland, Winslow, Bree, Hartman, Korsmeyer, and Woodford's motions to dismiss  
24 for failure to state a claim and failure to exhaust administrative remedies filed March 24, 2008.

25 ///

26 ///

27 ///

28 ///


Stip. Protect. Order Stay Disc.

*F.W. Smith v. J. Woodford, et al.*  
C 06-00103 JF (PR)

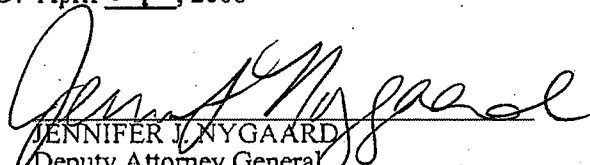
2. If the Court issues an order re-opening discovery, the time for responding to discovery already served shall begin running with the service of the Court's order.

SO STIPULATED:

DATED: April 17, 2008

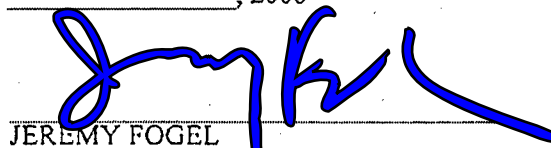
  
FREDERICK W. SMITH  
Plaintiff

DATED: April 17, 2008

  
JENNIFER I. NYGAARD  
Deputy Attorney General  
Attorney for Defendants Kirkland, Winslow, Bree, Hartman, Korsmeyer, and Woodford

IT IS SO ORDERED:

DATED: 4/21, 2008

  
JEREMY FOGEL  
United States District Judge

40239501.wpd

Stip. Protect. Order Stay Disc.

F.W. Smith v. J. Woodford, et al.  
C 06-00103 JF (PR)

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **F. W. Smith v. J. Woodward, et al.**

No.: **C 06-00103 JF (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 18, 2008, I served the attached

**STIPULATED PROTECTIVE ORDER TO STAY DISCOVERY**

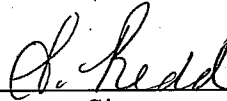
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Frederick Wayne Smith  
C-69967  
Pelican Bay State Prison  
P.O. Box 7000  
Crescent City, CA 95531-7000

*Pro Per*  
*C-69967*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 18, 2008, at San Francisco, California.

S. Redd  
Declarant

  
Signature